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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DEVINE C. ALLAH, 99A1557,

Plaintiff,

-v-

06-CV-6041CJS

ORDER

COMMISSIONER GLENN S. GOORD,
Commissioner of Department of
Correctional Services, Individually
and in his official capacity;
JOHN H. NUTTALL, Commissioner of
Program Service, Individually and
in his Official Capacity;
MARK LEONARD, Director of
Ministerial and Family Services,
Individually and Official Capacity;
THOMAS POOLE, Superintendent of
Five Points Correctional Facility,
Individually and Official Capacity;
"RICHARD" WEINGARTNER, Deputy
Superintendent of Program, "Richard"
being a Fictitious First Name,
Individually and in his
Official Capacity; GREGORY KILEY,
Deacon Coordinating Chaplain,
Individually and in his Official
Capacity; and NEW YORK STATE
DEPARTMENT OF CORRECTIONAL SERVICES;

Defendants.

Plaintiff, who is incarcerated in the Five Points Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a), and has requested assignment of counsel. Plaintiff has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted.

Plaintiff's request for assignment of counsel is denied without prejudice as premature because issue has not yet been joined. Plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: March 23, 2006
Rochester, New York